

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 88 OF 2007

|                                  |                |
|----------------------------------|----------------|
| Intelligence Officer             | ...Petitioner  |
| V/s.                             |                |
| Shri Rashid Jumman Shaikh & Anr. | ...Respondents |

Mr.M. Sahu for the Petitioner.  
Mr.P.A. Pol, APP for the State.

CORAM : V.M. KANADE, J.

DATED : SEPTEMBER 5, 2007

P.C. :-

. Heard Shri Sahu, learned Counsel for the  
Petitioner.

2. The petitioner takes exception to the order  
passed by the Special Judge under the NDPS Act dated  
31st October, 2006 whereby he was pleased to direct the  
petitioner herein to release the taxi which was attached  
by them in favour of the respondent.

3. The learned Counsel for the petitioner submits  
that the Special Judge has not taken into consideration  
provisions of Section 60 subclause 3 while releasing the  
said vehicle in favour of the respondent. It is

submitted that the said vehicle was used for the purpose of transporting 'Hashish' and as such, this vehicle was liable to be confiscated. He submits that the Special Court has ignored the fact that the said vehicle is likely to be used again for the said purpose.

4. It is not possible to accept the submission. I have perused the impugned order. The Special Judge has imposed number of conditions before releasing the said vehicle in favour of the respondent herein. The provisions, in my view, of Section 60 subclause 3 have been take care of. No case is made out for interfering with the impugned order.

. Writ Petition is dismissed.

**(V.M. KANADE, J.)**